

2007 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB40)

Received: **06/26/2007**

Received By: **agary**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Dyck**

This file may be shown to any legislator: **NO**

Drafter: **agary**

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Subject: **Transportation - motor vehicles**
Transportation - traffic laws

Extra Copies: **BAB**

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Requester's email:

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

LFB:.....Dyck ARC 26 -

Topic:

Organ transplant vehicles treated as authorized emergency vehicles

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 06/27/2007	wjackson 06/27/2007					
/1			jfrantze 06/28/2007		lparisi 06/28/2007		

FE Sent For:

<END>

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Topic:

ARC 26
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/?	agary	1 WJG/27	sh 6/27	<u>6/27</u>			

FE Sent For:

<END>

ALG

26. ORGAN TRANSPLANT VEHICLES TREATED AS AUTHORIZED EMERGENCY VEHICLES

Include the following vehicles related to organ transplantation in the definition of "authorized emergency vehicle:" (a) privately owned motor vehicles being used by an organ procurement organization, or by any person under an agreement with an organ procurement organization, to transport organs for human transplantation or to transport medical personnel for the purpose of performing human organ harvesting or transplantation immediately after the transportation; and (b) privately owned motor vehicles being operated in the course of a business and being used, in response to an emergency call from a treating physician or his or her designee declaring the transportation to be an emergency, to transport medical devices or equipment to a hospital or ambulatory surgery center, or to pick up medical devices or equipment for immediate transportation to a hospital or ambulatory surgery center, if the medical devices or equipment are to be used for human implantation or for urgent medical treatment immediately after the transportation.

Extend the current law privileges associated with authorized emergency vehicles (such as the authority to exceed the posted speed limit or proceed through a red light) to these vehicles, when transporting an organ for human transplantation, or when transporting medical personnel for the purpose of performing human organ harvesting or transplantation immediately after the transportation, provided that the following conditions are met: (a) the operator of the vehicle has successfully completed a safety and training course in emergency vehicle operation that is taken at a technical college or that is approved by DOT; and (b) the vehicle being operated is plainly marked, in a manner prescribed by DOT, to identify it as an authorized emergency vehicle related to organ transplantation.

Specify that these vehicles may be equipped with red or red and white warning lights and shall be so equipped if exercising the privileges associated with authorized emergency vehicles. Specify that the operator of an emergency vehicle related to organ transplantation may only use warning lights and siren when transporting an organ for human transplantation, or when transporting medical personnel for the purpose of performing human organ harvesting or transplantation immediately after the transportation. (Authorized emergency vehicles are required to be equipped with a siren under current law, a requirement that would extend to emergency vehicles related to organ transplantation.)

Specify that these provisions would first apply to vehicles operated on the effective date of the bill.

2007 - 2008 LEGISLATURE

LRB-081917

ARG:wlj:sh

stays

KMNR

in 6/27

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request
sheet

~~2007 BILL~~

AA,
TO ASA1,
TO SB40

1 AN ACT *to renumber* 343.01 (2) (dg); *to amend* 110.08 (1m), 346.03 (1), 347.25
2 (1) and 347.38 (4); and *to create* 340.01 (3) (dg), 340.01 (3) (dh) and 346.03 (5m)
3 of the statutes; **relating to:** vehicles transporting human organs for
4 transplantation, medical personnel for human organ harvesting or
5 transplantation purposes, or medical devices or equipment for emergency
6 purposes.

Analysis by the Legislative Reference Bureau

Current law generally prohibits any vehicle from being equipped with a flashing light. Exceptions to this prohibition include authorized emergency vehicles such as police vehicles, fire department vehicles, and ambulances. Current law also prohibits any vehicle other than an authorized emergency vehicle from being equipped with a siren. Under current law, an authorized emergency vehicle must be equipped with a siren and may be equipped with one or more flashing, oscillating, or rotating red lights.

Also under current law, when an authorized emergency vehicle is responding to an emergency call or in pursuit of an actual or suspected violator of the law, the operator is exempt from traffic restrictions relating to parking if the vehicle's warning lights are activated. The operator of an authorized emergency vehicle is also exempt from traffic restrictions relating to speed, traffic signals, and direction of travel if the vehicle's warning lights and siren are activated. Even when an

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authorized emergency vehicle is operated with the vehicle's warning lights and siren activated, the operator must drive with due regard under the circumstances for the safety of all persons.

This bill provides that motor vehicles used by an organ procurement organization, or under an agreement with an organ procurement organization, to transport organs for human transplantation or to transport medical personnel for the immediate purpose of performing human organ harvesting or transplantation (organ transport vehicles) are authorized emergency vehicles. The bill also provides that motor vehicles being operated in the course of a business and being used, in response to an emergency call from a treating physician or his or her designee, to transport or pick up medical devices or equipment for the immediate purpose of human implantation or urgent medical treatment (emergency medical device transport vehicles) are authorized emergency vehicles. Organ transport vehicles and emergency medical device transport vehicles may be equipped with red or red and white flashing, oscillating, or rotating lights and must be equipped with a siren. Organ transport vehicles and emergency medical device transport vehicles are permitted the same traffic law exemptions, and subject to the same limitations, as other authorized emergency vehicles when, respectively, they are transporting an organ for human transplantation or transporting medical personnel for the immediate purpose of performing human organ harvesting or transplantation, or they are responding to an emergency call from a treating physician or his or her designee to transport or pick up medical devices or equipment. However, in contrast to operators of other authorized emergency vehicles, operators of organ transport vehicles and emergency medical device transport vehicles must have successfully completed a safety and training course in emergency vehicle operation, and must be operating a vehicle marked as an organ transport vehicle or emergency medical device transport vehicle, in order for these traffic law exemptions to apply.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Page 1223 line 120 after that line insert ②

✓ SECTION 1. 110.08 (1m) of the statutes is amended to read:

2 110.08 (1m) Each operator's license examiner shall receive informational
3 training on the powers and duties of the department relating to organ donor
4 information under s. 343.175 once every 2 years and, for operator's license examiners
5 hired after January 1, 1997, prior to initial assignment to operator's license
6 examining activities. The informational training under this subsection shall be

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developed by all organ procurement organizations, as defined in s. 343.01 (2) (dg)

340.01 (41k), in cooperation with the department.

SECTION 2. 340.01 (3) (dg) of the statutes is created to read:

340.01 (3) (dg) Privately owned motor vehicles being used by an organ procurement organization, or by any person under an agreement with an organ procurement organization, to transport organs for human transplantation or to transport medical personnel for the purpose of performing human organ harvesting or transplantation immediately after the transportation.

SECTION 3. 340.01 (3) (dh) of the statutes is created to read:

340.01 (3) (dh) Privately owned motor vehicles being operated in the course of a business and being used, in response to an emergency call from a treating physician or his or her designee declaring the transportation to be an emergency, to transport medical devices or equipment to a hospital or ambulatory surgery center, or to pick up medical devices or equipment for immediate transportation to a hospital or ambulatory surgery center, if the medical devices or equipment are to be used for human implantation or for urgent medical treatment immediately after the transportation.

SECTION 4. 343.01 (2) (dg) of the statutes is renumbered 340.01 (41k).

SECTION 5. 346.03 (1) of the statutes is amended to read:

346.03 (1) The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or, when responding to but not upon returning from a fire alarm, when transporting an organ for human transplantation, or when transporting medical personnel for the purpose of performing human organ harvesting or transplantation

#, Page 1445, line 25 after that line insert

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SECTION 5

1 immediately after the transportation, may exercise the privileges set forth in this
2 section, but subject to the conditions stated in subs. (2) to (5) (5m).

3 ^{3427e}
SECTION 6. 346.03 (5m) of the statutes is created to read:

4 346.03 (5m) The privileges granted under this section apply to the operator of
5 an authorized emergency vehicle under s. 340.01 (3) (dg) or (dh) only if the operator
6 has successfully completed a safety and training course in emergency vehicle
7 operation that is taken at a technical college under ch. 38 or that is approved by the
8 department and only if the vehicle being operated is plainly marked, in a manner
9 prescribed by the department, to identify it as an authorized emergency vehicle
10 under s. 340.01 (3) (dg) or (dh).

11 ^{3432c}
SECTION 7. 347.25 (1) of the statutes is amended to read:

12 347.25 (1) Except as provided in subs. (1m) (a), (1r), and (1s), an authorized
13 emergency vehicle may be equipped with one or more flashing, oscillating, or
14 rotating red lights, except that ambulances, fire department equipment, and
15 privately owned motor vehicles under s. 340.01 (3) (d), (dg), or (dm) being used by
16 personnel of a full-time or part-time fire department ~~or~~, by members of a volunteer
17 fire department or rescue squad, or by an organ procurement organization or any
18 person under an agreement with an organ procurement organization, and privately
19 owned motor vehicles under s. 340.01 (3) (dh) being used to transport or pick up
20 medical devices or equipment, may be equipped with red or red and white lights, and
21 shall be so equipped when the operator thereof is exercising the privileges granted
22 by s. 346.03. The lights shall be so designed and mounted as to be plainly visible and
23 understandable from a distance of 500 feet both during normal sunlight and during
24 hours of darkness. No operator of an authorized emergency vehicle may use the
25 warning lights except when responding to an emergency call or when in pursuit of

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an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm, when transporting an organ for human transplantation, when transporting medical personnel for the purpose of performing human organ harvesting or transplantation immediately after the transportation, or when necessarily parked in a position which is likely to be hazardous to traffic.

SECTION 8. 347.38 (4) of the statutes is amended to read:

347.38 (4) An authorized emergency vehicle shall be equipped with a siren, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm, when transporting an organ for human transplantation, or when transporting medical personnel for the purpose of performing human organ harvesting or transplantation immediately after the transportation, in which events the driver of such vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers.

SECTION 9. Initial applicability.

(1) This act first applies to vehicles operated on the effective date of this subsection.

(END)

ORGAN TRANSPORT VEHICLES
The treatment of sections 110008 (1m),
340001 (3) (dg) and (dh), 343001 (2) (dg),
346003 (1) and (5m), 347025 (1), and
347038 (4) of the statutes



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBb0666/1
ARG:wlj:sh

LFB:.....Dyck ARC 26 - Organ transplant vehicles treated as authorized emergency vehicles

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1223, line 12: after that line insert:

3 **"SECTION 2651u.** 110.08 (1m) of the statutes is amended to read:

4 110.08 (1m) Each operator's license examiner shall receive informational
5 training on the powers and duties of the department relating to organ donor
6 information under s. 343.175 once every 2 years and, for operator's license examiners
7 hired after January 1, 1997, prior to initial assignment to operator's license
8 examining activities. The informational training under this subsection shall be
9 developed by all organ procurement organizations, as defined in s. 343.01 (2) (dg)
10 340.01 (41k), in cooperation with the department."

1 **2.** Page 1376, line 15: after that line insert:

2 **"SECTION 3190m.** 340.01 (3) (dg) of the statutes is created to read:

3 340.01 (3) (dg) Privately owned motor vehicles being used by an organ
4 procurement organization, or by any person under an agreement with an organ
5 procurement organization, to transport organs for human transplantation or to
6 transport medical personnel for the purpose of performing human organ harvesting
7 or transplantation immediately after the transportation.

8 **SECTION 3190p.** 340.01 (3) (dh) of the statutes is created to read:

9 340.01 (3) (dh) Privately owned motor vehicles being operated in the course of
10 a business and being used, in response to an emergency call from a treating physician
11 or his or her designee declaring the transportation to be an emergency, to transport
12 medical devices or equipment to a hospital or ambulatory surgery center, or to pick
13 up medical devices or equipment for immediate transportation to a hospital or
14 ambulatory surgery center, if the medical devices or equipment are to be used for
15 human implantation or for urgent medical treatment immediately after the
16 transportation."

17 **3.** Page 1408, line 21: after that line insert:

18 **"SECTION 3220c.** 343.01 (2) (dg) of the statutes is renumbered 340.01 (41k)."

19 **4.** Page 1445, line 25: after that line insert:

20 **"SECTION 3427c.** 346.03 (1) of the statutes is amended to read:

21 346.03 (1) The operator of an authorized emergency vehicle, when responding
22 to an emergency call or when in the pursuit of an actual or suspected violator of the
23 law ~~or~~, when responding to but not upon returning from a fire alarm, when
24 transporting an organ for human transplantation, or when transporting medical

1 personnel for the purpose of performing human organ harvesting or transplantation
2 immediately after the transportation, may exercise the privileges set forth in this
3 section, but subject to the conditions stated in subs. (2) to ~~(5)~~ (5m).

4 **SECTION 3427e.** 346.03 (5m) of the statutes is created to read:

5 346.03 **(5m)** The privileges granted under this section apply to the operator of
6 an authorized emergency vehicle under s. 340.01 (3) (dg) or (dh) only if the operator
7 has successfully completed a safety and training course in emergency vehicle
8 operation that is taken at a technical college under ch. 38 or that is approved by the
9 department and only if the vehicle being operated is plainly marked, in a manner
10 prescribed by the department, to identify it as an authorized emergency vehicle
11 under s. 340.01 (3) (dg) or (dh).”.

12 **5.** Page 1450, line 7: after that line insert:

13 **“SECTION 3432c.** 347.25 (1) of the statutes is amended to read:

14 347.25 **(1)** Except as provided in subs. (1m) (a), (1r), and (1s), an authorized
15 emergency vehicle may be equipped with one or more flashing, oscillating, or
16 rotating red lights, except that ambulances, fire department equipment, and
17 privately owned motor vehicles under s. 340.01 (3) (d), (dg), or (dm) being used by
18 personnel of a full-time or part-time fire department ~~or~~, by members of a volunteer
19 fire department or rescue squad, or by an organ procurement organization or any
20 person under an agreement with an organ procurement organization, and privately
21 owned motor vehicles under s. 340.01 (3) (dh) being used to transport or pick up
22 medical devices or equipment, may be equipped with red or red and white lights, and
23 shall be so equipped when the operator thereof is exercising the privileges granted
24 by s. 346.03. The lights shall be so designed and mounted as to be plainly visible and

1 understandable from a distance of 500 feet both during normal sunlight and during
2 hours of darkness. No operator of an authorized emergency vehicle may use the
3 warning lights except when responding to an emergency call or when in pursuit of
4 an actual or suspected violator of the law, when responding to but not upon returning
5 from a fire alarm, when transporting an organ for human transplantation, when
6 transporting medical personnel for the purpose of performing human organ
7 harvesting or transplantation immediately after the transportation, or when
8 necessarily parked in a position which is likely to be hazardous to traffic.

9 **SECTION 3432e.** 347.38 (4) of the statutes is amended to read:

10 347.38 (4) An authorized emergency vehicle shall be equipped with a siren, but
11 such siren shall not be used except when such vehicle is operated in response to an
12 emergency call or in the immediate pursuit of an actual or suspected violator of the
13 law, when responding to but not upon returning from a fire alarm, when transporting
14 an organ for human transplantation, or when transporting medical personnel for the
15 purpose of performing human organ harvesting or transplantation immediately
16 after the transportation, in which events the driver of such vehicle shall sound the
17 siren when reasonably necessary to warn pedestrians and other drivers.”.

18 **6.** Page 1666, line 8: after that line insert:

19 “(7j) ORGAN TRANSPORT VEHICLES. The treatment of sections 110.08 (1m), 340.01
20 (3) (dg) and (dh), 343.01 (2) (dg), 346.03 (1) and (5m), 347.25 (1), and 347.38 (4) of the
21 statutes first applies to vehicles operated on the effective date of this subsection.”.

22 (END)